

## CONGRESSIONAL RECORD SUMMARY

Friday, December 7, 2001

### HOUSE

*The House was not in session today. Its next meeting will be held on Monday, December 10, 2001, at 2:00 p.m.*

#### Congressional Program Ahead. Week Of December 10 Through 15, 2001:

**Committee on Appropriations**, 12/11/01 @ 10:00 a.m. Subcommittee on Commerce, Justice, State and Judiciary, on OxyContin. 2359 Rayburn.

**Committee on Energy and Commerce**, 12/11/01 @ 3:00 p.m. Subcommittee on Telecommunications and the Internet, hearing on the settlement between the U.S. Government and Nextwave, Inc., to resolve disputed spectrum licenses. 2123 Rayburn.

**Committee on Government Reform**, 12/12/01 @ 1:00 p.m. Hearing on "*The National Vaccine Injury Compensation Program: Is It Working as Congress Intended?--Part II.*" 2154 Rayburn.

**Committee on Government Reform**, 12/13/01 @ 10:00 a.m. Hearing on "*The FBI's Handling of Confidential Informants in Boston: Will the Justice Department Comply with Congressional Subpoenas?*" 2154 Rayburn.

**Committee on Rules**, 12/11/01 @ 5:00 p.m. To consider the following: **H.R. 3129, Customs Border Security Act of 2001**; and **H.R. 3295, Help America Vote Act of 2001**. H-313 Capitol.

*Page D 1227*

#### Remark:

Keeping The Social Security Promise Initiative.

Shaw

*Pages E 2220-1*

### SENATE

#### Measures Introduced:

**S. 1786.** A bill to expand aviation capacity in the Chicago area.

Durbin

*Pages S 12681-2*

**S. 1787.** A bill to promote rural safety and improve rural law enforcement; to the Committee on the Judiciary.

Daschle

*Pages S 12682, S 12684-5*

**S. 1788.** A bill to give the Federal Bureau of Investigation access to NICS records in law enforcement investigations, and for other purposes; to the Committee on the Judiciary.

Schumer

*Page S 12682*

**S. 1790.** *A bill to designate the lobby of the James A. Byrne United States Courthouse located at 601 Market Street in Philadelphia, Pennsylvania, as the "Edward R. Becker Lobby;" to the Committee on Environment and Public Works.*

*"... Judge Becker served on the United States District Court for the Eastern District of Pennsylvania from December 1970 until January 1982 when he was elevated to the United States District court for the Third Circuit. On the Federal Bench, Ed's legal scholarship has been prolific and prodigious. His 958 opinions cover the cutting edge of evolving jurisprudential issues. He once wrote an opinion in rhyme. His opinion in the Japanese Electronics Case was more than 500 pages long replete with extensive footnote documentation, as is his practice. He was recently honored by the University of Pennsylvania Law Review in May 2001 which details his extraordinary judicial service. He is the fifth most senior active Federal judge in the United States..."*

Specter

*Pages S 12682, S 12685-6*

#### **Measures Reported:**

**H.R. 2336, to make permanent the authority to redact financial disclosure statements of judicial employees and judicial officers. (Senate Report No. 107-111)**

**S. 1624,** to establish the Office of World Trade Center Attack Claims *to pay claims for injury* to businesses and property suffered as a result of the attack on the World Trade Center in New York City that occurred on September 11, 2001, with an amendment in the nature of a substitute. (Senate Report No. 107-116)

*Pages S 12681, D 1219*

#### **Measures Passed:**

**21st Century Montgomery GI Bill Enhancement:** Committee on Veterans' Affairs was discharged from further consideration of **H.R. 1291**, to amend title 38, United States Code, to modify and improve authorities relating to education benefits, compensation and pension benefits, housing benefits, burial benefits, and vocational rehabilitation benefits for veterans, *and to modify certain authorities relating to the United States Court of Appeals for Veterans Claims*, and the bill was then passed, after striking all after the enacting clause and inserting in lieu thereof, the text of **S. 1088**, Senate companion measure, after agreeing to a committee amendment in the nature of a substitute, and the following amendments proposed thereto:

*Pages S 12746-52, D 1224, D 1224*

**Reid (for Rockefeller/Specter Amendment No. 2462 (to S. 1088)),** in the nature of a substitute.

*Pages S 12750-2, D 1224*

**Reid (for Rockefeller/Specter) Amendment No. 2463** (to the title of H.R. 1291), to amend the title.

*Pages S 12752, D 1225*

**Subsequently, S. 1088** was returned to the Senate calendar.

*Page D 1225*

#### **Measures Passed (Cont'd.):**

**Department of Defense Appropriations: Senate passed H.R. 3338,** making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, after taking action on the following

amendments proposed thereto:

*Pages S 12586-S 12676, D 1219*

*"... For Federal Antiterrorism Law Enforcement, the amendment would provide \$1.7 billion to be used as follows: \$614 million for the FBI; **\$61 million for U.S. Marshals**; \$100 million for cyber-security; \$23 million for the Federal Law Enforcement Training Center for training new law enforcement personnel; \$21 million for the Bureau of Alcohol, Tobacco and Firearms; **\$124 million for overtime and expanded aviation and border support for the Customs Service**; \$73 million for the Secret Service; \$273 million for increased Coast Guard surveillance; **\$95 million for Federal courts security**; \$84 million for Justice Department legal activity; \$68 million for the crime victims fund; \$83 million for EPA for anthrax cleanup costs and drinking water vulnerability assessments; \$38 million for EPA for bioterrorism response teams and EPA laboratory security; \$20 million for the FEMA Office of National Preparedness..." (Byrd, Page S 12647)*

**Adopted:**

***By 78 yeas to 21 nays (Vote No. 359), Helms Amendment No. 2336, to protect United States military personnel and other elected and appointed officials of the United States Government against criminal prosecution by an international criminal court to which the United States is not party.***

*Pages S 12612-28, D 1219*

***Stevens (for Gramm/McCain) Amendment No. 2352, to provide the President the authority to increase national security and save lives.***

*Pages S 12650, D 1219*

***Bond Amendment No. 2354, to require procedures that ensure the fair and equitable resolution of labor integration issues in transactions for the combination of air carriers.***

*Pages S 12653-4, D 1219*

***Byrd/Stevens/Inouye Amendment No. 2348, in the nature of a substitute.***

*Pages S 12648, D 1220*

**See Pages S 12696-721: Senate Amendment No. 2348 as offered by Senator Byrd.**

**See Pages S 12712-13: CHAPTER 2. DEPARTMENT OF JUSTICE--PATRIOT ACT ACTIVITIES.**

***THE JUDICIARY--Supreme Court of the United States--Care of the Buildings and Grounds***

*For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Care of the Buildings and Grounds", \$30,000,000, to remain available until expended for security enhancements, to be obligated from amounts made available in Public Law 107-38..."*

***Court of Appeals, District Courts, and Other Judicial Services--Salaries and Expenses***

*For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$5,000,000, is for Emergency Communications Equipment, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.*

***Court Security***

*For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Court Security", \$57,521,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38, for security of the Federal judiciary, of which not less than \$4,000,000 shall be available to reimburse the United States Marshals Service for a Supervisory Deputy Marshal responsible for coordinating security in each judicial district and circuit: Provided, That the funds may be expended directly or transferred to the United States Marshals Service.*

**Measures Passed (Cont'd.):**

***Administrative Office of the United States Courts--Salaries and Expenses***

*For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$2,879,000, to remain available until expended, to enhance security at the Thurgood Marshall Federal Judiciary Building, to be obligated from amounts made available in Public*

Law 107-38.

**Stevens (for Lott) Amendment No. 2358**, to increase by \$7,500,000 the amount available for Armed Forces Retirement.

*Pages S 12656-7, D 1220*

**Inouye Amendment No. 2365**, to provide funds for the Counter Narcotics and Terrorism Operational Medical Support Program.

*Pages S 12656-7, D 1220*

**Stevens Amendment No. 2450**, to require certain compliance for use of funds after June 30, 2002 for the operation of any federally owned buildings.

*Pages S 12663-6, D 1223*

**Stevens Amendment No. 2457**, to clarify Federal procurement law for certain qualified entities.

*Pages S 12663-6, D 1223*

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**Rejected:**

By 48 yeas to 51 nays (Vote No. 358), **Reid (for Dodd) Modified Amendment No. 2337**, with respect to the protection of United States interests and the interest of American citizens and service members as it relates to the establishment of an International Criminal Court.

*Pages S 12612-28, D 1224*

**Withdrawn:**

**Durbin Amendment No. 2343**, to expand aviation capacity in the Chicago area.

*Pages S 12628-46, D 1224*

*"...We are being asked to put a secret backroom deal into Federal law. Now, I get to the final section on judicial review. That is section 8. It says that what this is designed to do, as I read it--and I have to say I have not yet looked up title 49, United States Code, subtitle VII, part A, but I have a feeling what this is meant to do is basically to cut off the right of trial and to deprive anyone who would question this backroom deal; they would never get their day in court. So this section 8 curtails the judicial review and says you never get your day in court. If you want to challenge this deal, that is tough luck. What happens is you won't get a right of trial in the district court. You will have to go right to a court of appeals and the FAA will control all the facts below and you will get 20 minutes in a court of appeals and that is it..."*  
(Fitzgerald, Page S 12642)

**During consideration of this measure, Senate also took the following action:**

By 50 yeas to 50 nays (Vote No. 357), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, **Senate rejected a motion** to waive section 302(f) of the Congressional Budget Act of 1974 with respect to the committee amendment in the nature of a substitute. Subsequently, a point of order that the committee substitute exceeds the allocation of the Subcommittee pursuant to section 302(f) of the Congressional Budget Act of 1974 was sustained, **and the committee substitute thus fell.**

*Pages S 12586-94, D 1224*

**Measures Passed (Cont'd.):**

**By 33 yeas to 65 nays (Vote No. 360)**, Senate rejected the question of germaneness with respect to **Feingold Amendment No. 2349**, to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2002. Subsequently, the point of order that the amendment was not germane was sustained, **and the amendment thus fell.**

*Pages S 12648-50, D 1224*

*"... Every Member has to live with his own conscience and decisions, but there certainly are Members who fall into that category "vote no and take the dough." In the past, in fact, some have come to the floor to emphatically denounce the increase while letting other Members shoulder the burden to pass the bill and they quietly pocket the money and sneak off in the night hoping nobody will notice that their outrage does not jibe with their actions. [ ] To make matters worse, many of the very people who speak out against this COLA have asked money to be earmarked in that bill where this should have been addressed. It is automatic, as all of our Members know. I would also remind the Members that the Treasury-Postal-general government bill has all the courthouse construction money, the Federal courts money, the money to fight the war on drugs, security money for the Olympics, other things in it that make it a very important bill. To try to amend this bill, the Department of Defense supplemental, with a decision for Members after it has already been approved in the Treasury-general government bill, is not a good policy and opens a Pandora's box of other amendments that have already been settled in the other eight bills that have passed both the House and Senate..." (Campbell, Page S 12650)*

Section 8132 on page 117 of *Byrd/Stevens/Inouye Amendment No. 2348* (listed above) was stricken. Subsequently, the pending point of order that the section was in violation of Rule XVI of the Standing Rules of the Senate, was withdrawn.

*Pages S 12650, D 1224*

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Inouye, Hollings, Byrd, Leahy, Harkin, Dorgan, Durbin, Reid, Feinstein, Kohl, Stevens, Cochran, Specter, Domenici, Bond, McConnell, Shelby, Gregg, and Hutchison.

*Pages S 12676, D 1224*

#### **H.R. 2944. District of Columbia Appropriations Conference Report:**

By 79 yeas to 20 nays (Vote No. 356), *Senate agreed to the conference report on H.R. 2944*, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, at 9:30 a.m., on Friday, December 7, 2001, *clearing the measure for the President.*

*Pages S 12582-3, D 1225*

#### **Nominations--Agreement:**

*A unanimous-consent agreement was reached providing for the consideration of the nominations of John D. Bates, of Maryland, to be United States District Judge for the District of Columbia, Kurt D. Engelhardt, to be United States District Judge for the Eastern District of Louisiana, and Julie A. Robinson, to be United States District Judge for the District of Kansas, at 9:30 a.m., on Tuesday, December 11, 2001.*

*Pages S 12753, D 1225*

#### **Congressional Program Ahead. Week Of December 10 Through 15, 2001:**

*On Tuesday, at 9:30 a.m., Senate will consider the nominations of John D. Bates, of Maryland, to be United States District Judge for the District of Columbia, Kurt D. Engelhardt, to be United States District Judge for the Eastern District of Louisiana, and Julie A. Robinson, to be United States District Judge for the District of Kansas.*

**Special Committee on Aging:** 12/10/01 @ 2:00 p.m. To hold hearings to examine the costs and tradeoffs of reforming Social Security, focusing on the President's Commission to Strengthen Social Security

proposals and other related reform plans. SR-385.

**Committee on Armed Services:** 12/12/01 @ 9:30 a.m. Full Committee, to hold hearings to examine the Department of Defense implementation of the President's Military Order on the detention, treatment, and trial by military commissions of certain non-citizens in the war on terrorism. SR-325.

*Page D 1226*

**Committee on the Judiciary:** 12/10/01 @ 10:00 a.m. *To hold hearings on the nomination of David L. Bunning, to be United States District Judge for the Eastern District of Kentucky. SD-226.*

**Committee on the Judiciary:** 12/11/01 @ 10:00 a.m. Subcommittee on Administrative Oversight and the Courts, to hold hearings to examine homeland defense issues, focusing on sharing information with local law enforcement. SD-226.

**Committee on the Judiciary:** 12/12/01 @ 10:00 a.m. Full Committee, to hold hearings to examine the future of the Microsoft settlement. SD-106.

**Committee on the Judiciary:** 12/13/01 @ 10:00 a.m. *Full Committee, business meeting to consider pending calendar business. SD-226.*

*Page D 1227*

**NEW PUBLIC LAW**

***H. J. Res. 76, making further continuing appropriations for the fiscal year 2002. Signed on December 7, 2001.  
(Public Law 107-79)***

*Page D 1226*

**Next SENATE MEETING: Monday, 3:00 p.m., December 10, 2001.**

**Next HOUSE MEETING: Monday, 2:00 p.m., December 10, 2001.**

**OLA: S. Schwarz (Smith)**